IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 33686 of 2004(I)

PETITIONER:

HEMALATHA C.A.,
ANCHUTHAIKALIL (SMRITHY) THIRUVAMPADY P.O.,
KUTHIRAPANTHI WARD, ALAPPUZHA DISTRICT.

BY ADV. SRI. P.R.VENKITESH

RESPONDENTS:
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1. DIRECTOR OF MUNICIPAL ADMINISTRATION,
THIRUVANANTHAPURAM.

2. ALAPPUZHA MUNICIPALITY,
REP. BY ITS SECRETARY.

3. SECRETARY, ALAPPUZHA MUNICIPALITY,
ALAPPUZHA.

ADV. SRI.M.K.CHANDRA MOHANDAS SC FOR R2 AND R3
GOVERNMENT PLEADER SRI. PUZHAKARA MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33686/2004 I

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE COMMUNICATION NO. G1/1998/02 DT. 21/04/03 TO THE PETITIONER'S HUSBAND.

EXT.P2. COPY OF THE MEMO ISSUED TO THE PETITIONER'S HUSBAND BY THE R3 NO. G1/1998/2002 DT. 28/11/2002.

EXT.P3. COPY OF THE OBJECTION DT. 3/5/03 SUBMITTED BY THE PETITIONER'S HUSBAND BEFORE THE R3.

EXT.P4. COPY OF THE JUDGMENT DT. 25/2/04 OF THIS COURT IN WP 6518/04.

EXT.P5. COPY OF THE PETITION DT. 12/07/04 FILED BY PETITIONER'S HUSBAND BEFORE THE MUNICIPALITY.

EXT.P5A. COPY OF THE ACKNOWLEDGEMENT CARD FROM THE SECRETARY, ALAPPUZHA MUNICIPALITY.

EXT.P6. COPY OF THE NOTICE BEARING NO. G1/19989/2004 DT. 16/08/04 BY THE SECRETARY, ALAPPUZHA MUNICIPALITY.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE COMMUNICATION DT. 16/08/04 TO THE HUSBAND OF THE PETITIONER BY THE R2.

EXT.R2B. COPY OF THE NOTICE DT. 26/5/03 ISSUED TO THE HUSBAND OF THE PETITIONER BY THE R2.

EXT.R2C. COPY OF THE NOTICE DT. 6/4/04 TO THE HUSBAND OF THE PETITIONER BY THE R2.

EXT.R2D. COPY OF THE NOTICE DT. 17/07/04 TO THE HUSBAND OF THE PETITIONER BY THE R2.

EXT.R2E. COPY OF THE NOTICE DT. 30/07/04 ISSUED TO THE HUSBAND OF THE PETITIONER BY THE R2.

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.33686 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioner is aggrieved since gratuity due to her late husband is not yet disbursed. It is seen that the late husband of the petitioner had approached this court earlier, leading to Ext.P4 judgment wherein this court directed the respondent Municipality to afford him an opportunity to verify the records, while fixing the liability. It is seen from the counter affidavit that though the Municipality issued several notices, such opportunity was not utilized by the late husband of the petitioner. Be that as it may, since the petitioner is only interested in settling the pensionary benefits of her late husband, it is only in the interests of justice that fresh opportunity is given to the petitioner. Therefore, the writ petition is disposed of as follows :-

The petitioner may present herself before the third respondent Municipality. It will also be open to her to seek the assistance of an agent. The third respondent shall permit the petitioner /agent to verify the records. This shall be done within two months from today. Thereafter, the third respondent shall

issue liability certificate noting liability, if any, within another two weeks. Based on the certificate thus issued by the third respondent, action shall be taken by the first respondent to settle the pensionary benefits, within another one month.

KURIAN JOSEPH, JUDGE.

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